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08/22/01
10853 U.S. PTO

Practitioner's Docket No. 100_007 CIP

PATENT

10853 U.S. PTO
09/935297
08/22/01

NEW APPLICATION TRANSMITTAL

Box Patent Application
Assistant Commissioner for Patents
Washington D.C. 20231

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to **Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231** on August 22, 2001 under "EXPRESS MAIL" mailing label number **EL 91265 5756 US**.

Janet M. Stevens

Transmitted herewith for filing is the patent application of:

Inventor 1: Dwayne Lacey
Address: 8 Mulberry Farm Lane
White Gum Valley
Western Australia 6162
AUSTRALIA

Title: HEAD MASSAGING DEVICE

1. Type of Application

This is a request for filing a CONTINUATION-IN-PART APPLICATION under 37 C.F.R. §1.53(b), of pending prior application:

Serial No.:	09/335,714,	Prior Art Unit:	3764
Filed:	June 18, 1999,	Prior Examiner:	J. Yu
Title:	HEAD MASSAGING DEVICE		
Inventors:	<u>Dwayne Lacey.</u>		

2. Papers enclosed

A. Required for filing date under 37 CFR 1.53(b) (Regular) are:

- 7 Page(s) of Specification
- 4 Page(s) of Claims
- 1 Page(s) of Abstract
- 2 Sheets of Formal Drawings (Figs. 1-2)

B. Other Papers Enclosed

- ☒ A Patent Application Bibliographic Data
- ☐ A Preliminary Amendment
- ☐ A Claim for Priority and a certified copy of
- ☒ An Information Disclosure Statement
- ☒ PTO Form-1449
- ☐ An Assignment Transmittal and Assignment of the invention to

0935297, 082201

3. Additional Papers to Follow Under Separate Cover

☒ A combined Declaration and Power of Attorney

4. The correspondence address for this application is:

Kevin C. Brown
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P.O. Box 7068
Syracuse, New York 13261-7068

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Customer No.: 025191

5. Relate Back**A. 35 U.S.C. 119(e)**

☐ Priority of provisional application Serial No., filed, is hereby claimed under 35 U.S.C. §119(e).

B. 35 U.S.C. 120, 121 and 365(c)

☒ Priority of said prior application 09/335,714, filed June 18, 1999, is hereby claimed under 35 U.S.C. §120.

C. 35 U.S.C. 119 Priority Claim for Prior Application

☐ Priority of foreign application(s) is hereby claimed under 35 U.S.C. §119 as follows:

Application filed

☐ A certified copy of the above corresponding foreign application was filed in prior application Serial No. on .

☐ A certified copy of the above corresponding foreign application is filed herewith.

6. ☒ Amend the specification by inserting after the title and before the first line the sentence:**-Cross Reference to Related Application**

This is a continuation-in-part application of U.S. Serial No. 09/335,714, filed June 18, 1999, the entirety of which is incorporated herein by reference.--

7. Small Entity Status

☒ Applicant(s) claim(s) small entity status. See 37 CFR § 1.27.

09335297, 082201
102280, 122280

8. Inventorship Statement

The inventorship for all the claims in this application are:

- ☒ the same.
☐ not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
 ☐ is submitted.
 ☐ will be submitted.

9. The filing fee has been calculated as shown below:

- A. Filing Fee
☒ Original Patent Application \$ 355.00
(37 C.F.R. 1.16(a) - \$710.00, Small Entity - \$355.00)
- B. Fees for Claims (22 Claims; 3 Indep.)
☐ each independent claim in excess of 3 \$.00
(37 C.F.R. 1.16(b) - \$80.00, small entity - \$40.00)
☒ each claim in excess of 20 \$ 18.00
(37 C.F.R. 1.16(c) - \$18.00; small entity - \$9.00)
☐ multiple dependent claim(s) \$.00
(37 C.F.R. 1.16(d) - \$270.00; small entity - \$135.00)
- C. Surcharge fees
☒ late payment of filing fee \$ 65.00
(37 C.F.R. 1.16(e) - \$130.00, small entity - \$65.00)
- and/or
- ☒ late filing of original declaration or oath \$.00
(37 C.F.R. 1.16(e) - \$130.00; small entity - \$65.00)
- NOTE: If both the filing fee and declaration or oath were missing from the original papers, only one surcharge fee for both need be paid. 37 C.F.R. 1.16(f).
- D. ☐ Fee for processing an application filed with a specification in a non-English language \$.00
(37 C.F.R. 1.17(k) and 1.52(d) - \$130.00)
- E. ☐ Assignment Fee \$.00
- Total Fees Due** **\$.00**

10935297.032201

**10. Payment of Fees and Authorization to Charge Additional Fees
or Credit Overpayment**

- ☐ A check in the amount of \$.00 is enclosed.
- ☐ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446. A duplicate copy of this sheet is enclosed.
 - ☐ Any additional filing fees required under 37 CFR 1.16.
 - ☐ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,



Kevin C. Brown
Reg. No. 32,402

August 22, 2001

Date

KCB/dmb

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